

ITEM NO: _____

PREPARED BY: Susan Callison

COMMISSIONER: _____

APPROVED BY: _____
County Attorney

Resolution to Amend Shelby County Retirement System Plan B to Change the Definition of "Spouse" with Respect to Entitlement to a Line of Duty Survivor Pension. Sponsored by Commissioner George S. Flinn.

WHEREAS, by resolutions previously adopted, the Shelby County Commissioners adopted and has since maintained Shelby County Retirement System consisting of Plan A, Plan B and Plan C; and

WHEREAS, Plan B contains a definition of "Spouse" that requires a participant's surviving spouse to have been married to the participant for three years before the participant's death to be entitled to a survivor pension; and

WHEREAS, it is desirable to eliminate the three year requirement for the spouse of a participant whose death is a "Line of Duty Death," as defined in the Plan; and

WHEREAS, a copy of the System's actuary's actuarial impact letter with respect to the proposed amendment is attached hereto,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that Plan B be, and is hereby, amended as follows:

1. The definition of "Spouse" in Article 1 of the Plan is amended to read as follows in its entirety:

"Spouse" means the person who has been legally married (as determined under the laws of the State) to the Participant for at least three (3) consecutive years at the relevant time, except that, in the case of entitlement to a Survivor Pension following a Line of Duty Death under 6.4, "Spouse" means the person who was legally married (as determined under the laws of the State) to the Participant at the relevant time. For the purpose of determining eligibility for a Survivor Pension, the "relevant time" is the day prior to the Participant's death.

2. This amendment shall be effective for Participants dying on or after April 1, 1996.

Joyce Avery, County Mayor

Date: _____

Clerk of the County Commission

ADOPTED: _____